

### **REMARKS/ARGUMENTS**

Claims 1-17 are pending in the application.

Claims 2, 5-8, 10-17 have been withdrawn from consideration.

Claims 1, 3, 4, and 9 stand rejected.

Claims 1, 3, and 4 have been amended.

Claim 9 has been cancelled.

Claims 18-33 have been added and accordingly are new.

Regarding the election, the Examiner stated that "Applicant's election...WinZip A1 proteins as first panel of molecules; WinZip B1 as second panel of molecules;..." However Paper No. 11 states "The second panel of molecules are the WinZip B1 interacting peptides" and should have stated "The first panel molecules are the WinZip A1 interacting peptides". The word interacting was unintentionally omitted. The Applicant apologizes for any confusion the election language in Paper No. 11 may have caused the Examiner.

The specification is very clear that WinZip A1 and WinZip B1 are not panels but are zipper peptide members of library A and library B respectively. To quote the specification (see page 2): "The following abbreviations are used throughout the present specification: mDHFR, murine dihydrofolate reductase; WinZip: dominant zipper pairs obtained from competition selection; WinZip-A1B1: original pair selected, comprising A1 from library A and peptide B1 from library B; WinZip-A1B2 and WinZip-A2B1: optimized pairs comprising original partner A1 or B1 and the new partner B2 or A2, respectively." The panels would therefor be that group of (poly)peptides which

potentially could be interactive with A1 or B1 respectively for the first and second panels. WinZip A1B1 is one pair made up of a member from each of the two libraries, ie. WinZip A1 and WinZip B1, that is effective in allowing protein-protein interaction adequate to reconstitute enough of the DHFR molecule to enable enzymatic activity.

### **THE REJECTIONS UNDER 35 U.S.C. § 112 FIRST AND SECOND PARAGRAPHS**

It is believed that by the filing of the above claim amendments that all the rejections and objections under 35 USC 112 first and second paragraphs have been rendered moot.

Additionally, the Examiner asserts that "the specification does not enable any person skilled in the art to which it pertains, or with which it is mostly connected, to make and use the invention commensurate in scope with this claims". This assertion is respectfully traversed. In view that this application now claims CIP status from US serial No. 09/017,412 now US Patent No. 6,270,964 (see below), it is respectfully submitted that there is sufficient guidance in the earlier application as to the selection of a reporter molecule as well as sufficient Examples of the types of reporters that are desirable. Furthermore, the patent statute is also clear regarding enablement. As long as there is sufficient guidance from the specification, there is really no requirement for an example, however Applicant has provided Examples to illustrate the invention.

Regarding the C-I-P status of this application, as a continuation-in-part of U.S. serial number 09/017,412, applicant respectfully calls to the Examiners' attention

Example 7 in col. 34 of U.S. Patent No. 6,270,964; and more specifically the paragraph starting at line 12, also in col. 34.

Also M.P.E.P. 201.08 states that:

"An alleged continuation-in-part application should be permitted to claim the benefit of the filing date of an earlier non-provisional application if the alleged continuation-in-part application complies with the following formal requirements of 35 U.S.C. 120:

(A) The first application and the alleged continuation-in-part application were filed with at least one common inventor;

(B) The alleged continuation-in-part application was "filed before the patenting or abandonment of or termination of proceedings on the first application or an application similarly entitled to the benefit of the filing date of the first application"; and

(C) The alleged continuation-in-part application "contains or is amended to contain a specific reference to the earlier filed application."

All of the above three requirements have been met.

#### **THE REJECTION UNDER 35 U.S.C. § 102(b)**

Claims 1, and 3-4, stand rejected under 35 U.S.C. § 102(b) as being anticipated by Pelletier et al. Protein Engineering, 1997, vol. 89 Page 89. The Pelletier et al. article describes testing for single protein-protein interactions to determine if the dual

fused protein-DHFR fragment approach would work to reconstitute DHFR and DHFR activity. It does not provide details to enable panel-panel or library-library simultaneous screening. Neither is the suggestion that a library could be screened the same as, nor anticipatory of, large scale panel-panel or library-library screening. Further, given the state of the art at the time, there were no known in vivo panel-panel or library-library screening techniques in the public domain. Hence this article could not be anticipatory of the Applicant's present invention. Additionally, this article from an end of the year supplement to volume 10 clearly is not more than a year prior to the effective '964 file date and therefore can not be used against any application parented by '964. Hence, for the reasons discussed above, the cited article can not be used to reject claims 1,3, and 4 which are directed to panel-panel screening techniques.

#### **THE REJECTION UNDER 35 U.S.C. § 102(e)**

The rejection of claims 1, 3-4, and 9 is now moot since Applicants' claim C-I-P status from the application which matured into the '964 patent. In any event there is also common ownership and accordingly the '964 publication can not be used against applicants.

#### **DOUBLE PATENTING**

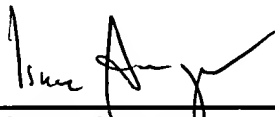
The Examiner further expresses concerns over possible double patenting issues arising from the '964 claims. The claims of the '964 patent are directed to methods for detecting protein-protein interactions. They do not have any steps directed to the

identification of sets of molecules capable of such interactions. Hence the claims of the present application will not have any double patenting problems given that they are methods to identify sets of molecules capable of such interactions and include steps for that identification of such sets of molecules in a single panel-panel screening.

Regarding the draftsman requirement for corrections, Applicant will submit formal drawings after allowable subject matter is indicated.

In view of the above amendments and remarks, it is respectfully submitted that the claims are now in condition for allowance. Reconsideration and withdrawal of the rejections and objections are requested. The Examiner is invited to contact the undersigned at 703-418-2777 if he feels that further discussion may facilitate the resolution of any outstanding issues. An early indication of a Notice of Allowance is earnestly solicited.

Respectfully submitted,

  
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